

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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SENATE BILL 344
PROPOSED COMMITTEE SUBSTITUTE S344-PCS15381-Saf-59

Short Title: Allow Common Area Entertainment ABC Permit.

(Public)

Sponsors:

Referred to:

March 25, 2019

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE ALCOHOLIC BEVERAGE CONTROL COMMISSION TO
ISSUE COMMON AREA ENTERTAINMENT PERMITS TO ALLOW A CUSTOMER OF
AN ABC LICENSED PREMISES LOCATED IN A SHOPPING MALL TO CONSUME
AN ALCOHOLIC BEVERAGE PURCHASED FROM THE LICENSED PREMISES
WITHIN A DESIGNATED INDOOR OR OUTDOOR COMMON AREA ON THE
SHOPPING MALL PROPERTY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 18B-1000 reads as rewritten:

"§ 18B-1000. Definitions concerning establishments.

The following requirements and definitions shall apply to this Chapter:

...

(7a) Shopping mall. – A building or structure, or multiple buildings and structures on the same property and under common ownership or control, that contain or contains multiple businesses that sell food, goods, services, or a combination of food, goods, and services, and that are connected by common areas.

(7b) Sports and entertainment venue. – Stadiums, ballparks, and other similar facilities with a permanently constructed seating capacity of 3,000 or more which are not located on the campus of a school, college, or university.

...."

SECTION 2. G.S. 18B-1001 is amended by adding a new subdivision to read:

"(21) Common Area Entertainment Permit. – A permit under this subdivision may be issued to the owner of a shopping mall that has at least one tenant that holds a permit issued under subdivisions (1), (3), (5), or (10) of this section. A common area entertainment permit authorizes a customer of a shopping mall tenant holding a permit issued under subdivisions (1), (3), (5), or (10) of this section to exit that licensed premises with an open container of the alcoholic beverage sold by the tenant holding the permit and consume the alcoholic beverage within the confines of any indoor or outdoor common area on the premises of the shopping mall designated by the owner of the shopping mall for consumption of alcoholic beverages. Additionally, a permit issued under this subdivision is subject to all of the following conditions:

a. The owner of the shopping mall shall designate the common area in which alcoholic beverages may be consumed. The owner of the shopping mall shall rope off, use fencing, or use some other temporary barrier to clearly define the borders of the designated common area.



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1 Additionally, the owner of the shopping mall shall post signs in a
2 conspicuous location on the shopping mall property indicating which
3 common area is the designated common area. The owner of the
4 shopping mall shall submit to the Commission for review and approval
5 (i) a plat of the shopping mall property for a designated outdoor
6 common area with the common area designated for alcohol
7 consumption clearly marked or (ii) a detailed map of the relevant
8 building on the shopping mall property for a designated indoor
9 common area with the common area designated for alcohol
10 consumption clearly marked. The Commission shall reject any plat or
11 map submitted under this sub-subdivision that does not meet the
12 requirements of this subdivision or any rule adopted by the
13 Commission. The owner of the shopping mall must submit a plat or
14 map as required under this sub-subdivision for each renewal of the
15 permit issued under this subdivision and at least 10 days prior to
16 making any adjustments to the designated common area.

17 b. Alcoholic beverages sold for consumption in a designated common
18 area shall be dispensed only in a paper or plastic cup bearing the name,
19 logo, or name and logo of the licensed premises from which the
20 beverage was purchased. The amount of alcoholic beverage dispensed
21 into a cup under this sub-subdivision shall not exceed 16 fluid ounces.

22 c. A customer is not allowed to possess or consume more than one
23 alcoholic beverage at a time while within the designated common area.

24 d. Alcoholic beverages may only be consumed within the designated
25 common area during the hours in which the alcoholic beverage may
26 be sold under G.S. 18B-1004, and the owner of the shopping mall may
27 further limit the days and times in which an alcoholic beverage may
28 be consumed in a designated common area. The owner of the shopping
29 mall shall post signs in a conspicuous location on the shopping mall
30 property indicating the days and times in which a person may consume
31 an alcoholic beverage in a designated common area.

32 e. A customer in the designated common area shall dispose of any
33 alcoholic beverage in his or her possession prior to exiting the
34 designated common area. A person is not allowed to exit a designated
35 common area with any alcoholic beverage he or she was consuming
36 within the area.

37 f. A customer is not allowed to bring and consume alcoholic beverages
38 not purchased from a tenant of the shopping mall holding an applicable
39 permit.

40 g. A customer is not allowed to enter the licensed or unlicensed premises
41 of a tenant of the shopping mall with an alcoholic beverage purchased
42 from a different tenant of the shopping mall holding an applicable
43 permit.

44 h. Any additional conditions imposed by the Commission. Any
45 additional conditions shall be posted on the Commission's Web site."

46 **SECTION 3.** G.S. 18B-902(d) reads as rewritten:

47 "(d) Fees. – An application for an ABC permit shall be accompanied by payment of the
48 following application fee:

49 ...

50 (46) Common area entertainment permit – \$750.00."

1 **SECTION 4.** The Alcoholic Beverage Control Commission may adopt temporary
2 rules to implement the requirements of this act. Any temporary rules adopted in accordance with
3 this section shall remain in effect until permanent rules that replace the temporary rules become
4 effective.

5 **SECTION 5.** This act becomes effective September 1, 2019.